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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. **2013-152**

12 **PATRICIA I. LABRIE**
13 **a.k.a., PATRICIA IONE LABRIE**
31855 Date Palm Drive, Suite 3165
14 Cathedral City, CA 92234

A C C U S A T I O N

15 Registered Nurse License No. 192605

16 Respondent.

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18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.

23 2. On or about September 30, 1968, the Board of Registered Nursing (Board) issued
24 Registered Nurse License No. 192605 to Patricia I. Labrie, also known as Patricia Ione Labrie
25 (Respondent). The Registered Nurse License was in full force and effect at all times relevant to
26 the charges brought herein and will expire on November 30, 2013, unless renewed.

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1 "(f) Conviction of a felony or of any offense substantially related to the qualifications,
2 functions, and duties of a registered nurse, in which event the record of the conviction shall be
3 conclusive evidence thereof."

4 7. Section 2762 states, in pertinent part:

5 "In addition to other acts constituting unprofessional conduct within the meaning of this
6 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this
7 chapter to do any of the following:

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9 "(b) Use any controlled substance as defined in Division 10 (commencing with Section
10 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in
11 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to
12 himself or herself, any other person, or the public or to the extent that such use impairs his or her
13 ability to conduct with safety to the public the practice authorized by his or her license.

14 "(c) Be convicted of a criminal offense involving the prescription, consumption, or
15 self-administration of any of the substances described in subdivisions (a) and (b) of this section,
16 or the possession of, or falsification of a record pertaining to, the substances described in
17 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
18 thereof."

19 8. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
20 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
21 licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the
22 Code, the Board may renew an expired license at any time within eight years after the expiration.

23 REGULATORY PROVISIONS

24 9. California Code of Regulations, title 16, section 1444 states, in pertinent part:

25 "A conviction or act shall be considered to be substantially related to the qualifications,
26 functions or duties of a registered nurse if to a substantial degree it evidences the present or
27 potential unfitness of a registered nurse to practice in a manner consistent with the public health,
28 safety, or welfare."

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b. On or about November 7, 2006, after pleading nolo contendere, Respondent was convicted of one misdemeanor count of violating Vehicle Code section 23152, subdivision (b) [driving while having 0.08% and more, by weight, of alcohol in her blood] in the criminal proceeding entitled *The People of the State of California v. Patricia Ione Labrie* (Super. Ct. Los Angeles County, No. 6GN05539). The Court sentenced Respondent to serve 4 days in Glendale City Jail and placed her on 48 months probation, with terms and conditions. The circumstances surrounding the conviction are that on or about September 1, 2006, Respondent drove a vehicle, while having 0.08% and more, by weight of alcohol in her blood, and collided with a parked vehicle, resulting in damages to another. She was observed, by the Glendale Police Department Officer, to be unresponsive to questions and continued to sit in the driver seat and gazed forward. After several attempts to speak with Respondent, her non-responsiveness to questions and inability to step out of the vehicle or speak or remain conscious, she was transported to the hospital for a medical evaluation. When asked how much and what she had to drink, Respondent stated "Three drinks. 151 Rum." Respondent submitted to a blood test that resulted in a blood-alcohol content level of 0.15%.

SECOND CAUSE FOR DISCIPLINE

(Dangerous Use of Alcohol)

12. Respondent is subject to disciplinary action under section 2761, subdivision (a), as defined in section 2762, subdivision (b), in that on or about October 16, 2010 and September 1, 2006, Respondent used alcoholic beverages to an extent or in a manner dangerous or injurious to herself, another person, or the public. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraph 11, subparagraphs (a) and (b), inclusive, as though set forth fully.

THIRD CAUSE FOR DISCIPLINE

(Convictions Involving the Consumption of Alcohol)

13. Respondent is subject to disciplinary action under section 2761, subdivision (a), as defined in section 2762, subdivision (c), in that on or about November 7, 2006, Respondent was convicted of crimes involving the consumption of alcohol. Complainant refers to, and by this

1 reference incorporates, the allegations set forth above in paragraph 11, subparagraphs (a) and (b),
2 as though set forth fully.

3 **PRAYER**

4 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
5 and that following the hearing, the Board issue a decision:

- 6 1. Revoking or suspending Registered Nurse License No. 192605, issued to Patricia I.
7 Labrie;
8 2. Ordering Patricia I. Labrie, also known as Patricia Ione Labrie to pay the Board the
9 reasonable costs of the investigation and enforcement of this case, pursuant to section 125.3; and
10 3. Taking such other and further action as deemed necessary and proper.

11 DATED: September 5, 2012 Anne Bailey
12 for LOUISE R. BAILEY, M.ED., RN
13 Executive Officer
14 Board of Registered Nursing
15 Department of Consumer Affairs
16 State of California
17 Complainant

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